

Applicants: Newman et al.  
Title: **METHOD FOR FORMING A FIBERS/COMPOSITE MATERIAL  
HAVING AN ANISOTROPIC STRUCTURE**  
Serial No.: 09/912,215  
Atty. Dkt. No.: 5820.612

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### **REMARKS**

#### **Claim Rejections - 35 USC § 103**

Claims 6-9 were rejected under 35 USC 102(a) as anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over Smalley. The rejection of claims 6-9 has been rendered moot in that claims 6-9 have been cancelled. Claims 6-9 are only being cancelled to expedite the allowance of claims 1-5, and such cancellation is not an admission regarding the teachings of Smalley, or what may have been obvious in view of Smalley at the time the invention was made. Applicants' respectfully object to all of the statements made in the Office Action concerning the rejection of claims 6-9 including the official notices taken by the Examiner.

#### **Claim Rejections - Double Patenting**

Claims 1-5 were rejected under the judicially created doctrine of double patenting over claims 1-15 of U.S. Patent No. 6,299,812. To overcome the rejection of claims 1-5, submitted herewith is a terminal disclaimer. Reconsideration and withdrawal of the rejection of claims 1-5 is respectfully requested.

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### SUMMARY

The foregoing is intended to be a complete response to the Office Action mailed on April 26, 2005. Should the Examiner have any questions or comments regarding the foregoing, Applicants' attorney would welcome a telephonic interview with the Examiner.

Respectfully submitted,



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